

**MINUTES
PLANNING BOARD MEETING
HOOD ROOM, MATTHEWS TOWN HALL
SEPTEMBER 26, 2017 - 7:00 PM**

PRESENT: Chair Barbara Dement; Vice Chair Kress Query; Members Mike Ham, Kerry Lamson, Jana Reeve, David Wieser; Alternate Members Mike Foster and Raymond Poyner; Town Attorney Craig Buie; Planning Director Kathi Ingrish; Town Clerk Lori Canapinno

ABSENT: Youth Voice members Peyton Gates and Matheus Sadovsky

CALL TO ORDER

Ms. Dement called the meeting to order at 7:05 pm.

APPROVAL OF MINUTES

Motion by Mr. Query to approve the minutes of the August 22, 2017 meeting as corrected. The motion was seconded by Ms. Reeve and unanimously approved.

Motion by Mr. Ham to bring Alternate Raymond Poyner on as a voting member. The motion was seconded by Mr. Wieser and unanimously approved.

ZONING MOTION 2017-2 – VARIOUS UDO TEXT AMENDMENTS

Planning Director Kathi Ingrish reviewed the proposed revisions to the Unified Development Ordinance (UDO). These are mostly minor corrections and clarifications and include the following:

Required NCDOT statement: this is a new statement that the Department of Transportation has begun requiring on plats that include a state road.

Cottage cluster minimum pedestrian path dimension: this will add the missing words *five feet* as minimum pavement width for walking paths between homes in a cottage cluster development.

Terminology correction: the phrase *subdivision variance* has been revised to *public improvement variance*. One UDO reference needs to be updated.

Dimensional correction: a requirement in the landscaping provisions regarding parking spaces' distance from a tree was revised from 60 feet to 40 feet. This reference needs to be updated in the NC51 Highway Overlay district.

Mr. Ham asked if the purpose of that change is to require more trees in parking lots and Ms. Ingrish confirmed it was.

Built upon area trades: this is a new item which is intended to minimize problems regarding the maximum built upon area (BUA) of a development. When residential subdivisions are developed with at or less than 24% total impervious surface they are not required to do storm water detention. Staff has found that there are some subdivisions that are being designed right up to that 24% maximum, but then different home builders or new homeowners become involved and want to add additional impervious surface area to the site, and the built upon area goes beyond 24%. This can result in land swapping and plat revisions. The proposed language would alleviate those problems and protect new owners in the subdivision and all landowners downstream from flooding.

There was some discussion about future repercussions and the permitting process. Ms. Ingrish explained that Matthews is the first town in the county to look at this issue. Building permits are issued by Mecklenburg County and right now those county inspectors call the Matthews staff and review requests. Matthews staff can place a permit hold on any project to block action until all requirements are met. However, it is possible that staff turnover or other issues might result in those permit holds being released without understanding the reasoning for them. Ms. Reeve asked if permit holds would be seen in a title search and Town Attorney Craig Buie said they wouldn't be discovered as a normal part of the property closing process.

Landscape guarantee bond amount: this change comes from a request from a Commissioner to reduce the minimum required amount for a three-year landscape bond. Currently a minimum bond of \$20,000 is required, which is fine when it's a large project but can be excessive in relation to small projects. The proposed language calls for a calculation of 125% of the total value of the retail cost of the new trees, the actual value of preserved trees and labor costs for installation, with tree values calculated using a nationally-accepted standard.

Mr. Ham said he had a problem with the value being based on actual value rather than the functional value of trees. He believes the total should include the value associated with the amount of oxygen produced, carbon dioxide sequestered, shade provided, etc. Ms. Ingrish explained that the values are based on a national-used guide and is more of an insurance replacement value – it's purely a financial bond to ensure that if something happens to the trees then they will be replaced with the same tree species. Mr. Ham advocated for the calculation of functional value and suggested that the Appearance and Tree Board or Environmental Advisory Committee may want to review this. Mr. Lamson requested additional information and Ms. Ingrish explained that the developer provides the values and then the Town Landscape Manager will review them. The previous language wasn't very specific so the proposed language explains exactly how to calculate the bond and will allow county staff to understand how to verify it. There are other sections of the UDO that cover concerns about species, size, etc.

Ms. Dement suggested reviewing these concerns at a future meeting. Ms. Ingrish noted that the Board of Commissioners recently heard a request to limit non-native species and other landscaping-related concerns. Staff is currently working on that and it will go to the Tree and Appearance Board for review. Mr. Ham cautioned that there are differences of opinion regarding what is and isn't a native species and that defining them can be tricky.

Big box standards: the Town doesn't desire adding more big box retail facilities unless the developer can show a real need. The UDO already includes some building design guidelines and this proposed language regarding size and building frontage would add to those.

Mr. Wieser asked if a requirement for brick on the front façade could be added. Ms. Ingrish explained that this language deals only with the size of the building; the materials used are handled in another section of the UDO. Mr. Ham asked about adding guidelines regarding the use of plant materials to break up large wall expanses. Ms. Ingrish noted that plants are easy to remove and would leave large blank expanses visible, and it would be too easy for a developer build a 50-foot expanse and simply say they're going to add landscaping later, which is not the intent of this section. Mr. Ham also said the language requiring windows to be divided by multiple panes of glass isn't specific enough – a large pane of glass divided once would meet the language but not the intent of the ordinance. He also questioned the language regarding the provision of placement for future door openings. There was some

discussion of shopping plazas that were designed in that manner and have obvious future entryway and storefront locations if they're ever needed.

Street name review process: there are multiple sections of the UDO that refer to the street naming process and they need to be internally consistent.

Internet sweepstakes facility definition and as a Use Under Prescribed Conditions: there are current lawsuits and appeals underway regarding these. The courts may allow them and if so the Town needs to be sure they are clearly defined and allowed under prescribed conditions in the B-H and I-1 districts.

Mr. Ham said he would like to restrict this use to say that no alcohol could be served. He had previously spoken to Town Attorney Charles Buckley who said the Town didn't have the authority to do that but Mr. Ham questioned that opinion. Ms. Ingrish noted that such action would likely exceed local governmental regulation over ABC provisions and so would not be allowed. Mr. Ham questioned if it would be legal if a referendum was held regarding alcohol in gambling establishments. He sees it as a safety issue – people shouldn't drink while gambling and then drive away. It happens in Las Vegas all the time. Mr. Poyner said 500 feet is not that much distance and wondered if these uses could be set further apart from schools. Ms. Ingrish explained that Matthews currently has no provisions about locations serving alcohol near churches or schools but she believes 500 feet is a commonly-used separation distance in municipalities that do regulate that separation.

Motion by Mr. Wieser to recommend approval of Motion 2017-2, various UDO text amendments, as they are reasonable and consistent to make corrections and add language and uniformity to the Unified Development Ordinance, subject to grammatical changes. The motion was seconded by Mr. Query and unanimously approved.

MISCELLANEOUS

Mr. Lamson asked about the Youth Voice members. Ms. Dement noted that Mat is going to continue working with the Planning Board but wasn't available to attend this meeting. Peyton may be overworked with her schoolwork and will decide if she is able to continue working with the Planning Board. By consensus it was determined that the Board will pick a second mentor for Mat to work in conjunction with Mr. Ham at the next meeting. Mr. Lamson suggested choosing a second student if Peyton chooses not to continue her work with the Planning Board.

ADJOURNMENT

Motion by Ms. Dement to adjourn. The motion was seconded by Mr. Query and unanimously approved. The meeting adjourned at 8:08 pm.

Respectfully submitted,



Lori Canapinno
Town Clerk